

UNITED STATES DISTRICT COURT

for

FILED BY JK D.C.WESTERN DISTRICT OF TENNESSEE

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WESTERN DIVISIONTHOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHISU.S.A. vs. Andre'l RobyDocket No. 2:02CR20473-03**Petition on Probation and Supervised Release**

COMES NOW DAWN L. BROWN, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Andre'l Roby, who was placed on supervision by the Honorable Bernice B. Donald sitting in the Court at Memphis, Tennessee, on the 8th day of October, 2003, who fixed the period of supervision at three (3) years*, and imposed the general terms and conditions theretofore adopted by the Court.

1. The defendant shall participate as directed in a program (outpatient and or inpatient) approved by the Probation Officer for testing and treatment of narcotic addiction or drug dependency. Further, the defendant shall be required to contribute to the costs of services for such treatment not to exceed an amount determined reasonable by the Probation Officer.

* Supervision began: May 24, 2005

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CASE AS FOLLOWS:

SEE ATTACHED

PRAYING THAT THE COURT WILL ORDER a WARRANT be issued for Andre'l Roby to appear before the United States District Court to answer charges of violation of Supervised Release.

BOND: _____

ORDER OF COURT

Considered and ordered 9th day
of September, 2005 and ordered
filed and made a part of the records in
the above case.

[Signature]
United States District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 2, 2005
[Signature]
United States Probation Officer

Place: Memphis, TN 38103

This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 9/12/05

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RE: Andre'l Roby

Docket Number:2:02CR20473-03

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The Defendant Has Violated The Following Conditions Of His Supervision.

The defendant shall not illegally possess a controlled substance.

Andre'l Roby submitted a voluntary admission for the use of Cocaine and Marijuana on June 15, 2005. Mr. Roby tested positive for the use of Cocaine and Marijuana on July 6, 2005. He voluntarily admitted to the use of Marijuana on August 29, 2005.

The defendant shall participate in drug treatment/testing as directed by Probation Officer.

On June 15, 2005, Mr. Roby was referred to the Alcohol and Chemical Abuse Rehab Center (ACAR) for drug treatment. Mr. Roby failed to attend counseling sessions on June 23 and June 29, 2005 as well as July 28, 2005. He also failed to submit to drug screening on seven (7) occasions between June 20 and August 22, 2005. On August 2, 2005, Mr. Roby was discharged from treatment at ACAR due to non-compliance.

1. Defendant Andre'l Roby (Last Reported Address: 255 North Lauderdale, No. 706, Memphis, TN 38105)
2. Docket Number (Year-Sequence-Defendant No.) 2:02CR20473-03
3. District/Office Western District of Tennessee (Memphis)
4. Original Sentence Date 10 / 08 / 2003
month day year

(If different than above):

5. **Original District/Office** _____
6. **Original Docket Number (Year-Sequence-Defendant No.)** _____
7. **List each violation and determine the applicable grade {see §7B1.1}:**

[illegible]

- | | | |
|-----------|---|-----------|
| 8. | Most Serious Grade of Violation (see §7B1.1(b)) | B |
| 9. | Criminal History Category (see §7B1.4(a))⁷⁴ | II |

- | | | |
|---|---|---------------|
| 10. | Range of imprisonment (<u>see</u> §7B1.4(a)) | 6 - 12 months |
| <p>*Being originally convicted of a Class B Felony, the statutory maximum term of imprisonment is three (3) years; 18 USC §3583(e)(3).</p> | | |

- 11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):**
- { x }** (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- { }** (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- { }** (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**

Defendant Andre'l Roby

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation {see §7B1.3(d)}:

Community Confinement N/A

Home Detention N/A

Intermittent Confinement N/A

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3{see §§7B1.3(g)(1)}.

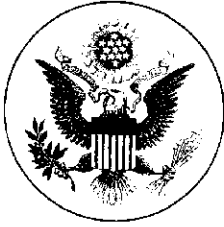
If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment possible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

14. Departure

[illegible]

15. Official Detention Adjustment {see §7B1.3(e)}: _____ months _____ days

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**



Notice of Distribution

This notice confirms a copy of the document docketed as number 224 in case 2:02-CR-20473 was distributed by fax, mail, or direct printing on September 12, 2005 to the parties listed.

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Honorable Bernice McCalla Donald
US DISTRICT COURT